

REMARKS

Claims 1-8, 11, 12, 22-30 and 44-50 are pending in this application. The Examiner 5 has maintained the rejection under 35 U.S.C. § 103(a) of claims 1, 2, 4-8, 11, 12, 22-27, 29, 30, 44 and 46-50. The Examiner has indicated that claims 3, 28 and 45 would be allowable if amended to recite the elected ester and water dispersible component. Applicants are herein amending claims 2, 3, 22, 28 and 45-50; cancelling claims 1, 4-8, 11, 12 and 44, without prejudice; and adding new claim 51. After entry of this amendment, claims 2, 3, 22-30 and 10 45-51 will be pending.

Applicants are herein amending:

- (1) claims 3, 28 and 45 to recite the elected ester (pentaerythritol tetraoctanoate) and water dispersible component (hexylene glycol);
- 15 (2) claims 2, 22 and 46 to have them depend from claim 3 rather than cancelled claim 1;
- (3) claims 47 and 50 to have them depend from claims 3, 28 or 45 rather than cancelled claim 1;
- (4) claim 48 to present it properly as a method claim rather than a composition claim; and
- (5) claim 49 to have it depend from claim 45 and to recite the elected ester and water 20 dispersible component.

Applicants are adding new claim 51 to replace cancelled claim 44. Applicants submit that the amendment to the claims does not introduce new matter and are fully supported by the specification and claims, as originally filed.

25 Rejection under 35 U.S.C. § 103(a)

The Examiner has maintained the rejection of claims 1, 2, 4-8, 11, 12, 22-27, 29, 30, 44 and 46-49 under 35 U.S.C. §§ 103(a) over US-A-4,980,155 ("Shah reference"). The Examiner asserts that the Shah reference discloses all of the required elements of applicants' 30 claimed invention, but lacks sufficient specificity to constitute anticipation. The Examiner further asserts that it would have been obvious at the time the invention was made to one skilled in the surfactant art to make the claimed composition for use in a cleansing composition.

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The Examiner has objected to claims 3, 28 and 45 as depending from a rejected base claim but has indicated that each would be allowable if rewritten in independent form, including all of the limitations of the base and intervening claims, and to delete all non-elected subject matter. Applicants are cancelling claims 1, 4-8, 11, 12 and 44; amending claims 3, 28 and 45 to recite the elected ester (pentaerythritol tetraoctanoate) and water dispersible component (hexylene glycol) and amending claims 2, 22, and 46-50 and adding new claim 51 so that they depend from allowable claims 3, 28, 45, as amended. Accordingly, applicants respectfully submit that all of the pending claims 2, 3, 22-30 and 45-51 are now allowable.

Conclusions

Applicants request the Examiner to:

- 15 (1) enter the amendment; and
- (2) reconsider and withdraw the rejection and objections to the claims; and
- (3) pass claims 2, 3, 22-30 and 45-51 to allowance.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (215) 557-3861.

20 Attached hereto is a marked-up version of the changes made to the specification and the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

25 Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADEIn the claims:

5 Please cancel claims 1, 4-8, 11, 12 and 44, without prejudice.

Please amend claims 2, 3, 22, 28 and 45-50 as follows:

2. (amended) The composition of claim [1] 3, wherein the foaming surfactant has a column
10 height of greater than about 20 mm as determined by the Miles-Ross Test and is
selected from the group consisting of non-ionic surfactants, cationic surfactants,
amphoteric surfactants, anionic surfactant, and mixtures thereof.

3. (twice amended) A cleansing composition, comprising:

15 (a) [a water dispersible component] hexylene glycol;
(b) [an ester] pentaerythritol tetraoctanoate;
(c) a foaming surfactant;
(d) water; and
(e) a liquid silicone.

20 22. (amended) The composition of claim [1] 3, further comprising at least one material
selected from the group consisting of: [of the following:]
a. polymeric emulsifier; [and/or]
b. a thickener;
25 [b]c. a benefit agent; [or] and
[c]d. a nonionic emulsifier.

28. (twice amended) A cleansing composition, comprising:

30 (a) [a water dispersible component] hexylene glycol;
(b) [an ester] pentaerythritol tetraoctanoate;
(c) a foaming surfactant;
(d) water; and

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(e) a cleansing enhancer selected from the group consisting of a nonfoaming surfactant, non-ionic emulsifiers and mixtures thereof;
wherein the non-ionic emulsifier is selected from the group consisting of isoceteth 20, oleth-2, mixture of PEG-40 hydrogenated castor oil and trideceth-9, 5 Poloxamer 184, laureth-4, sorbitan trioleate, polyoxyethylene-(2) oleyl ether, sorbitan stearate, cetearyl glucoside, glyceryl oleate, and mixtures thereof.

45. (twice amended) A cleansing composition, comprising:

(a) water;
10 (b) [a water dispersible component selected from the group consisting of] hexylene glycol[, PEG-6 caprylic/capric triglycerides, and mixtures thereof];
(c) [an ester selected from the group consisting of isononyl isononanoate, isostearyl palmitate, cetyl octanoate, pentaerthritol] pentaerythritol tetraoctanoate[, and mixtures thereof]; and
15 (d) a foaming surfactant selected from the group consisting of cocamide MEA, lauryl glucoside, PEG-50 tallow amide, [cocamidopropylamine] cocamidopropylamine oxide, and mixtures thereof.

46. (amended) The foaming composition of claim [1] 3, wherein the foaming surfactant is
20 non-ionic, cationic, amphoteric, or anionic.47. (twice amended) A method of use in a personal care product, comprising the step of:
providing the composition of claim [1] 3, 28 or 45.25 48. (amended) The [composition] method of claim 47, wherein the personal care product is in
the form of a gel, a bath, a wash, a mousse, a shampoo, a rinse, a lotion, a cream, a
wipe, a brush, a sponge, or a spray.30 49. (amended) [A foaming] The composition of claim 45, comprising, based upon the total
weight of the [foaming] composition[,]:

a. from about 0.1 percent to about 30 percent of [a water dispersible component]
hexylene glycol;



- b. from about 0.1 percent to about 30 percent of [an ester] pentaerythritol tetraoctanoate;
- c. from about 1 percent to about 98 percent of water; and
- d. [from about] 2 percent to about 30 percent of [a] the foaming surfactant.

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50. (amended) A method of cleansing skin, hair or nails, comprising the step of:
applying to said skin, hair or nails, the composition of [claim 1 or] claim 3, 28
or 45.

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Please add new claim 51 to replace cancelled claim 44:

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51. A method for depositing a benefit agent into and/or onto the skin, hair and/or nails, comprising applying to a desired location on a human or animal the composition of claim 3, 28 or 45.

